

REMARKS

In the Office Action, the Examiner rejected claims 26 - 31 under 35 USC § 102 (e) as being anticipated by U.S. Patent Number 6,289,223 (“Mukherjee”). The Examiner also rejected claims 12 through 14, 18 - 19, 21/18, 21/19/18, and 23 - 35 under 35 USC § 103 (a) as being unpatentable over Mukherjee. The applicant has amended claims 12, 18, and 26 and submits the following remarks in favor of patentability.

Claims 12 – 17

In claim 12, the Applicant recites a process of allowing direct access for individual subscribers to a digital cellular phone network with existing cell broadcast services. The process includes, among other things, forwarding the cellular broadcast message to a cell broadcast center by means of a process that applies to the cell broadcast center such that the cellular broadcast message is broadcast to subscribers within a defined area of the cell broadcast center. The Applicant has amended claim 12 to recite that broadcasting does not define the subscribers as part of a user group.

Mukherjee teaches a process in which a multipoint SMS transmission is executed significantly as a point-to-point SMS transmission once usergroups and identifiers have been defined. *See e.g.*, column 2, lines 18 - 21 of Mukherjee. The broadcast messaging of the Applicant’s claims explicitly does not define user groups prior to transmission as Mukherjee. Since Mukherjee does not teach that which the Applicant claims, claim 12 patentably distinguishes over Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 12.

Claims 13 - 17 depend from independent claim 12 and inherit all of the novel and non obvious features of the independent claim. Accordingly, these claims are also novel and nonobvious in view of Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claims 13 - 17.

Claims 18 - 25

Claim 18 recites a device for allowing direct access for individual subscribers to a digital cellular phone network with existing cell broadcast services. The cellular phones of the subscribers are equipped to exchange point-to-point short messages with a short

message center over the cellular phone network, whereby short messages declared cell broadcast messages are forwarded to a cell broadcast center to be broadcast to the subscribers within a defined area of the cell broadcast center. The device includes means of doing at least one of: a test, an adjustment, and a conversion of the point-to-point short message necessary to convert the point-to-point short message into a cellular broadcast message. Claim 18 has been amended to explicitly state that the broadcasting does not define the subscribers as part of a user group.

As recited in the arguments in favor of patentability for claim 12, Mukherjee only teaches defining subscribers as part of the user group. Since Mukherjee does not teach that which the Applicant claims, claim 18 patentably distinguishes over Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claim 18.

Claims 19 - 25 depend from independent claim 18 and inherit all of the novel and non obvious features of the independent claim. Accordingly, these claims are also novel and nonobvious in view of Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claims 19 - 25.

Claims 26- 31

In claim 26, the Applicant recites a method of providing a cellular broadcast center with a cellular broadcast message. The method includes forwarding the cellular broadcast message to a cellular broadcast center to be broadcast to the subscribers within a defined area of the cell broadcast center. As with claims 12 and 18, the Applicant has amended claim 26 to recite that the broadcasting does not define the subscribers as part of a user group. Such patentably distinguishes from Mukherjee's SMS messaging to predefined user groups. The arguments in favor of patentability of claim 12 apply herein as well and the Applicant, therefore, respectfully requests reconsideration and allowance of claim 26.

Claims 27 - 31 depend from independent claim 26 and inherit all of the novel and nonobvious features of the independent claim. Accordingly, these claims are also novel and nonobvious in view of Mukherjee. The Applicant, therefore, respectfully requests reconsideration and allowance of claims 27 - 31.

Based upon the foregoing, the Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

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By: /GREGORY T. FETTIG/
Gregory T. Fettig
Registration No. 50,843
3151 South Vaughn Way, Suite 411
Aurora, Colorado 80014
(720) 562-5509